

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>LABORERS' PENSION FUND, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 08 C 504</b>
	)	
<b>PRECISE BUILDING CORP.</b>	)	<b>Judge Der-Yeghiayan</b>
	)	
<b>Defendant.</b>	)	<b>Magistrate Judge Cox</b>

**JOINT JURISDICTIONAL STATUS REPORT**

Pursuant to Judge Der-Yeghiayan's case management procedures, the parties hereby submit their Joint Jurisdictional Status Report. Section I is agreed by the parties; pursuant to the case management procedures, Section II is prepared by Plaintiffs.

**I. SUBJECT MATTER JURISDICTION**

Plaintiffs are ERISA fiduciaries and, during the time period at issue (November 1, 2003 through the present), have administered their plans in Cook County, Illinois (see, attached affidavit of Rocco Marcello). This is an action for unpaid contributions owed under the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. § 1001 et seq. Jurisdiction is based on Section 502(e)(1) of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. § 1132(e)(1) ("the district courts of the United States shall have exclusive jurisdiction of civil actions under this subchapter brought by [a] fiduciary"); Section 301(a) of the Labor Management Relations Act ("LMRA") of 1947 as amended, 29 U.S.C. § 185(a) ("Suits for violation of contracts between an employer and a labor organization representing employees in an industry affecting commerce as defined in this chapter, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties"); and 28

U.S.C. §1331 (“The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”).

## **II. VENUE**

This is an ERISA collection action brought by an ERISA fiduciary, and therefore may be brought where the plan is administered. 29 U.S.C. § 1132(e)(2) (“Where an action under this subchapter is brought in a district court of the United States, it may be brought in the district where the plan is administered.”) Plaintiffs, during the time period at issue (November 1, 2003 through the present), have administered their plans in Cook County, Illinois (see, attached affidavit of Rocco Marcello), so venue is proper in the Eastern Division of the Northern District of Illinois.

/s/ Josiah A. Groff  
On behalf of Plaintiffs

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March 24, 2008

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On behalf of Defendant

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